## REMARKS

The present invention is a method for scaling an option list of an application on an application user interface of a mobile terminal device, a computer program stored on a storage medium for scaling an option list of an application on a user interface of a mobile device, a mobile device for supporting application user interfaces of at least one of different resolution and size and a communication system. A method for scaling an option list 45' and 46' of an application 45 and 46 on an application user interface 42 of a mobile terminal device 40 which, option list includes options shown from a given set of options comprises detecting a displayed size of the application on the application user interface 43; determining a number of options included in said option list which are dependent upon a size of the display of the options by the user interface of the application including the application having the displayed size in the display 44; and displaying the option list containing said determined number of options within the application on said application user interface on the display. See page 8, lines 5-32, through page 9, lines 1-10, of the specification.

Claims 1-34 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 6,452,597 (Goldberg et al). These grounds of rejection are traversed for the following reasons. With respect to claims 1 and 25-27, the Examiner reasons as follows:

> As to claims I and 25-27, Goldberg et al. discloses a computer implemented method and corresponding apparatus for detecting a displayed size of the application on an application user interface of a mobile terminal device (column 2, lines 29-33, column 4, lines 52-56 and column 5, lines 1-10); determining a number of information depending on the displayed sized of the application and fitting the application having said displayed sized (column 4, lines 48-51 and column 6, lines 34-48); and displaying the information within the

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application on the application user interface (column 4, lines 30-37). However, Goldberg et al. fails to teach an option list including options chosen from a given set of options of an application on an application user interface.

Although Goldberg et al. discloses of plurality of information, data, text and control information such as toolbars, menu options and user selectable on screen region (column 4, lines 45-48), they do not explicitly mention about the option list. However, it is well known in the state of the art that the control information such as menu options of Goldberg et al. is implemented in the option list. **The Examiner takes OFFICAL NOTICE.** It would have been obvious to one of ordinary skill in the art, having the teachings of Goldberg et al. before him, the menu options of Goldberg et al. to be the option list in order for presenting multiple numbers of options, as made known in the state of the art.

Goldberg discloses the display of text on a limited area display surface. Goldberg's system performs adjustment of the size of the information text to be displayed which includes the use of a size adjuster 202 as described in conjunction with Fig. 3. The size adjuster performs analysis of information, performs truncation of the information, adjusts font size, adjusts the display of lines, and fonts. See column 6, lines 20-67 through column 9, lines 1-7. However, as the Examiner acknowledges, Goldberg et al do not disclose processing of option lists.

The Examiner reasons that this deficiency would be obvious to a person of ordinary skill in the art by his conclusion that it is well known in the state of the art that the control information, such as menu options of Goldberg et al, is implemented in an option list. Further, the Examiner has taken official notice that it would be obvious to one of ordinary skill in the art, having the teachings of Goldberg et al before him, "[to provide] the menu options of Goldberg et al to be the option list in order for presenting multiple numbers of options, as made known in the state of the art." This conclusion is totally unfounded and challenged by the Applicant. As the Examiner knows, official notice can only be taken where the subject matter upon

which official notice is taken is not in controversy. The Applicant asserts that the Examiner's conclusion regarding official notice is nothing more than impermissible hindsight that a person of ordinary skill in the art would not consider as a basis for making a modification of Goldberg et al.

It is one thing to suggest that options could be displayed by Goldberg et al. However, the Examiner's proceeding from the concept that Goldberg's display could involve options to that of the claimed subject matter is a substantial modification of Goldberg which the Examiner has not justified to be within the scope and content of the prior art. A conclusion that official notice is being taken is not a sufficient justification to demonstrate motivation to a person of ordinary skill in the art in the current circumstances where Goldberg does not even mention option lists.

Accordingly, the rejection of independent claims 1 and 25-27 is submitted to be improper and should be withdrawn. If the Examiner persists in the stated grounds of rejection, it is requested that he demonstrate through the citation of prior art why it would be obvious to a person of ordinary skill in the art to perform the claimed manipulation of option lists as set forth in the independent claims based upon the teachings of Goldberg et al which do not, as the Examiner acknowledges, even mention option lists. The only basis for demonstrating such a modification to be obvious to a person of ordinary skill in the art would be by the citation of prior art which the Examiner has not demonstrated to be in existence.

The dependent claims define more specific aspects of the present invention which are neither anticipated no rendered obvious by Goldberg et al. Claims 3 and 4 have been broadened to delete that the at least one option is always included in

said option list.  New claims 35 and 36 have been added to add the subject matter deleted from claims 3 and 4.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136.  Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (1123.41114X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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Attachments

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